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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11589 of 2004

Between:

1 Karri Prasada Reddy S/o.Narayana Reddy,R/o. Marteru Penumanthra Mandal West Godavari District. AP37/V.8998 TN.57/b.7767 & TN 45/Y.6373)
2 Ravula Srinivasa Rao S/o.Sahab, R/o. Naggipudi, Penumanthra Mandal West Godavari District (TN 37/M.9019)
3 Karri Rami Reddy S/o.Veer Reddy, R/o. Naggipudi Penumanthra Mandal West Godavari (AP 7/U 9279)
4 Karri Srinivasa Reddy S/o. Satti Reddy, R/o. Naggipudi Penumanthra Mandal West Godavari (TN 04/X 8577)
5 Palasetti Somi Reddy S/o.Laxmana Reddy, R/o.Marteru Penumanthra Mandal West Godavari (TN 60/A 9209 and TN 60/A 2787)
6 Chirla Srinivaa Reddy S/o.Krishna Reddy, R/o.Marteru Penumanthra Mandal West Godavari (KA 24/1811)
7 Gudimetla Adi Reddy S/o.Satyanarayana Reddy, R/o. Eletipadu, Iragavaram Mandal West Godavari (KA 02/B.5097)
8 Gudimetla Surreddy S/o.Adi Reddy, R/o. Eletipadu, Iragavaram Mandal West Godavari (KA 63/A.9096))

..... PETITIONER(S)

AND

1 Regional Manager, APSRTC, Eluru West Godavari Dist.
2 Regional Manager, APSRTC, Kakinada, East Godavari Dist.
3 Depot Manager, APSRTC, Eluru West Godavari Dist.
4 Depot Manager, APSRTC, Kakinada East Godavari Dist.
5 deputy Transport Commissioner Eluru West Godavari Dist.
6 Deputy Transport Commissioner Kakinada,East Godavari Dist.
7 Superintendent of Police, West Godavari District at Eluru.
8 Superintendent of Police, East Godavari District at Kakinada.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of mandamus declaring that respondents 1 to 4 herein and their staff have no authority of law to Check/seize the Maxi Cabs of the petitioners bearing Registration Numbers as mentioned in the above cause title under the provisions of the Motor Vehicles Act and consequently forbear the Respondents herein and their subordinates from interfering with the operation of the Maxi Cabs of the petitioners in any manner whatsoever.

Counsel for the Petitioner:MR.E.MARUTHI RAJA

Counsel for the Respondents 1 to 6: Sri K.Srnivasarao, Standing Counsel for A.P.S.R.T.C.

Counsel for Respondents 7 & 8 : G.P.for Home.

The Court made the following :

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WRIT PETITION NO. 11589 OF 2004

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ORDER:-

Heard both the learned counsel. The only question involved in this writ petition is as to the competency of the authorities of A.P. State Road Transport Corporation to have a check on the private vehicles.

It is represented that this Court had already taken a view in Writ Petition No.3865 of 2002 dated 31-3-2003 to the effect that no such power is existing with the Corporation.

Following the said Order, this writ petition is disposed of holding that the authorities of the respondent- Corporation have no power to have a check of the vehicles of the petitioners. However, it is open to the Corporation or the authorities concerned to take appropriate action, according to law, if there is any violation. No costs.

16—11—2004.

Stv/-

To

1 Regional Manager, APSRTC, Eluru West Godavari Dist.
2 Regional Manager, APSRTC, Kakinada, East Godavari Dist.
3 Depot Manager, APSRTC, Eluru West Godavari Dist.
4 Depot Manager, APSRTC, Kakinada East Godavari Dist.
5 deputy Transport Commissioner Eluru West Godavari Dist.
6 Deputy Transport Commissioner Kakinada,East Godavari Dist.
7 Superintendent of Police, West Godavari District at Eluru.
8 Superintendent of Police, East Godavari District at Kakinada.

9. Two C.Cs to G.P. for Home, High Court Buildings, Hyd. (OUT)

10. Two C.D. Copies.